

REMARKS

This Amendment is being filed in response to the Office Action mailed March 18, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-12 remain in this application, where claims 10-12 have been added by this Amendment.

By means of the present amendment, the specification has been amended for better conformance with the drawing.

By means of the present amendment, claims 1 and 3 have been amended for non-statutory reasons, such as changing "characterized in that" to --wherein--. Such amendments to claims 1 and 3 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the specification is objected to for not containing a "Brief Description of the Drawings." Further, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion,

however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification. In addition, the specification includes a brief description of the drawing, namely, on page 3, lines 33-34.

In the Office Action, claim 1 is objected to for certain informalities. In response, claim 1 has been amended to remove the noted informality. It is respectfully submitted that the objection of claim 1 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-6 of U.S. Patent No. 7,116,381 (Boehmer). The Examiner indicated that a terminal disclaimer may be used to overcome this rejection. This rejection is respectfully traversed. However, it is respectfully submitted that Applicants will consider filing a terminal disclaimer, if necessary in view of any allowable claims, upon indication that the present application is otherwise allowable or includes allowable claims.

In the Office Action, claims 1-8 are rejected under 35 U.S.C.

§102(a) as allegedly anticipated by an Article entitled " "Photochromic Coatings Including Silver Halide Microcrystals Via Sol-Gel Process" (Tomonaga). Claims 1-8 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by "Methyltriethoxysilane Derived Coatings for Optical Applications" (Innocenzi). It is respectfully submitted that claims 1-12 are patentable over Tomonaga and Innocenzi for at least the following reasons.

Tomonaga is directed to photochromic coating including silver halide microcrystals from metallic silver colloidal dispersions and organosilanes focused on promoting the fading process at room temperature.

Innocenzi is directed to silica sol-gel films prepared by dipping, starting from an acid catalyzed solution of methyltriethoxysilane (MTES) and tetraethoxysilane (TEOS), where silver metal nanoparticles are produced in the silica layer by introducing in the sol-gel precursor solution AgNO_3 or $\text{AgClO}_4 \cdot \text{H}_2\text{O}$.

It is respectfully submitted that Tomonaga, Innocenzi, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 3 which, amongst other patentable elements,

recites (illustrative emphasis provided):

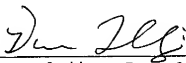
wherein the suspension of metal nanoparticles comprises a silane derivative as additive with at least one alkoxy group.

A silane derivative as additive with at least one alkoxy group is nowhere disclosed or suggested in Tomonaga and Innocenzi, alone or in combination. Accordingly, it is respectfully submitted that independent claims 1 and 3 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2 and 4-12 should also be allowed at least based on their dependence from independent claims 1 and 3.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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